

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT: Chris D. Constantinides

SERIAL NO.: 10/044,296

FILED: January 10, 2002

FOR: MAGNETIC RESONANCE IMAGING METHODS AND COMPOSITIONS

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

PETITION UNDER 37 C.F.R. §1.47

This is a petition under 37 C.F.R. §1.47(a) to accept the declaration executed by Assignee's counsel on behalf of themselves and the non-signing inventor in order to avoid prejudice to the Assignee. Please charge Deposit Account No. 04-1105 the petition fee of \$130.00, as set forth in 37 C.F.R. §1.17(h). **A duplicate of this sheet is enclosed.**

The pertinent facts establishing the failure of Chris D. Constantinides to sign the declaration are set forth in the accompanying Details Of Refusal Of Nonsigning Inventor To Sign Application Papers. Based on the facts set forth in the supporting statement, it has been concluded that Mr. Constantinides has refused to sign the declaration and relief under 37 C.F.R. §1.47(a) is requested by the Assignee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter F. Corless", written over a horizontal line.

Peter F. Corless
Registration No.: 33,860
EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, Massachusetts 02209
Tel.: 617-439-4444
Fax: 617-439-4170

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NOTE: For fee processing a non-English application, complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. Section 1.69(b).

NOTE: The translation for a regular application filed in a foreign language must be verified. 37 C.F.R. Section 1.52(d).

SMALL ENTITY STATUS

V. ☐ A statement that this filing is by a small entity

(check and complete applicable items)

☐ is attached.

☐ A separate refund request accompanies this paper.

☐ was filed on _____ (original).

COMPLETION FEES

VI.

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. Section 1.53.

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. Section 1.28(a).

1. Filing fee

☒ original patent application
(37 C.F.R. Section 1.16(a)--\$750.00; small entity--\$375) \$ 750.00

☐ design application
(37 C.F.R. Section 1.16(f)--\$330; small entity--\$165) \$

2. Fees for claims

☐ each independent claim in excess of 3
(37 C.F.R. Section 1.16(b)--\$84; small entity--\$42) \$

☒ each claim in excess of 20
(37 C.F.R. Section 1.16(c)--\$18; small entity--\$9) \$ 342.00

☒ multiple dependent claim(s)
(37 C.F.R. Section 1.16(d)--\$280; small entity--\$140) \$ 280.00

3. Surcharge fees

☒ late payment of filing fee and/or late filing of original declaration or oath
(37 C.F.R. Section 1.16(e)--\$130; small entity--\$65) \$ 130.00

☒ Petition Fee required \$ 1,300.00

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practice under 37 C.F.R. Section 1.16(e) is that only one surcharge fee need be paid whether the later filed oath or declaration and/or the filing fee are submitted afterwards at the same time or at different times.

4. ☐ Petition and fee for filing by other than
all the inventors or a person not the inventor
(37 C.F.R. Sections 1.17(i) and 1.47--\$130)\$

5. ☐ Fee for processing an application filed with
a specification in a non-English language
(37 C.F.R. Sections 1.17(k) and 1.52(d)--\$130) \$

6. ☐ Fee for processing and retention of application
(37 C.F.R. Sections 1.21(l) and 1.53(d)--\$130) \$

NOTE: 37 C.F.R. Section 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. Section 1.53(f) and this, as well as, the changes to 37 C.F.R. Section 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of Section 1.21(l) within 1 year of notification under Section 1.53(f) must be paid.

7. ☐ Assignment (See "ASSIGNMENT COVER SHEET") \$

Total completion fees \$ 2,802.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$110	\$55
<input type="checkbox"/> two months	\$400	\$200
<input type="checkbox"/> three months	\$920	\$460
<input type="checkbox"/> four months	\$1,440	\$720

Fee \$

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VIII.

The total fee due is \$2,802.00

Completion fee(s) \$ 2,802.00
Extension fee (if any) \$

Total Fee Due \$ 2,802.00

PAYMENT OF FEES

IX.

☒ Enclosed is a check in the amount of \$ 2,802.00.

☐ Charge Account No. 04-1105 in the amount of \$ _____.

A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. Section 1.22(b).

Please change Account No. \$1,492.00 for any fees which may be due by this paper.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. Section 1.26(a).

☒ [X] The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 04-1105

☒ [X] 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

☒ [X] 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. Section 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☒ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☒ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a)).

☒ 37 C.F.R. Section 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under Section 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in Section 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. Section 1.136(a)(3).

☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. Section 1.311(b).

NOTE: 37 C.F.R. Section 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. Section 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.



SIGNATURE OF PRACTITIONER

Reg. No.: 33,860

Peter F. Corless

(type or print name of practitioner)

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P.O. Address

Customer No.: 21874

BOS2_326422.1



Practitioner's Docket No. 56873(71699)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chris D. Constantinides

Application No.: 10/044,296

Group No.: 3737

Filed: 1/10/2002

Examiner: TBA

For: MAGNETIC RESONANCE IMAGING METHODS AND COMPOSITIONS

Box DAC

Assistant Commissioner for Patents

Washington, D.C. 20231

ATTENTION: Petition Information

Crystal Park One, Suite 520

(M.P.E.P. Section 1002.02(b), 7th ed.)

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY
UNDER 37 C.F.R. SECTION 1.137(b)

NOTE: "In a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995, any petition to revive pursuant to this section must be accompanied by a terminal disclaimer and fee as set forth in section 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. Any terminal disclaimer pursuant to this paragraph must also apply to any patent

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is *mandatory*.)

(Express Mail certification is *optional*.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date **December 20, 2002**, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number **EV932684425US** addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

(type or print name of person mailing paper)

Beth-Ann Marino

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442

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(Petition for Revival of Unintentionally Abandoned Application--page 1 of 3)

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granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought. The provisions of this paragraph do not apply to lapsed patents." 37 C.F.R. Section 1.137(c).

NOTE: In accordance with the Notice of November 5, 1990 (1121 O.G. 6), an application abandoned under 37 C.F.R. Section 1.53(d) for failure to timely provide the appropriate filing fee, oath or declaration and/or surcharge may be revived under the procedure of 37 C.F.R. Section 1.137(b).

1. This application became abandoned on September 26, 2002

NOTE: Extensions under 37 C.F.R. Section 1.136 are available only if asked for "prior to or with the response." Accordingly, if the question of abandonment arises when the provisions of Section 1.136 can no longer be used, then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival. Thus: An application which is abandoned for failure to respond within a set period with no extension fee having been paid, would not require the payment of extension fees as a condition for revival. M.P.E.P. Section 711.03(c), 6th ed., rev. 2.

2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of the petition was unintentional. 37 C.F.R. Section 1.137(b)(3).

3. Response or action required

- ☐ has been filed.
☒ is attached.

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 C.F.R. Section 1.137. To facilitate processing in such a case, the petition to revive should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, (1031 O.G. 11-12). See also M.P.E.P. Section 711.03(c), 6th ed., rev. 2. "In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof." 37 C.F.R. Section 1.137(b)(1).

- ☐ The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

4. Fee (37 C.F.R. 1.17(m))

Application status is:

- ☐ Small business entity-fee \$640.00.
☐ A statement is attached.
☐ A statement was filed.
☒ Other than small entity-fee \$1,280.00.

5. Payment of fee

☐ Enclosed please find check for ☐ \$640.00. ☐ \$1,280.00.
[X] Charge Account 04-1105 for any additional fee required.

☒ Charge Account 04-1105 the sum of ☐ \$640.00. ☒ \$1,280.00.
A duplicate of this petition is attached.

(complete the following, if applicable)

- ☐ Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. Section 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).
- ☐ Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

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SIGNATURE OF PRACTITIONER

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(type or print name of practitioner)

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